

## EXHIBIT 2

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*Attorneys for Mark D. Waldron, Chapter 7 Trustee*

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF WASHINGTON**

JUN DAM, individually and on behalf  
of all others similarly situated,

Plaintiff,

vs.

PERKINS COIE, LLP, a Washington  
limited liability partnership;  
PERKINS COIE I, P.C., a California  
corporation; PERKINS COIE  
CALIFORNIA II, P.C., a California  
corporation, and LOWELL NESS,  
individually,

Defendants.

Case No. 2:20-cv-00464

The Honorable Stanley A. Bastian

**DECLARATION OF PAMELA M.  
EGAN IN SUPPORT OF  
CHAPTER 7 TRUSTEE'S STATUS  
CONFERENCE STATEMENT**

**HEARING:**

**October 5, 2023, 10 a.m. PT**

I, Pamela M. Egan, hereby declare as follows:

1. I am over 18 years of age, of sound mind, and otherwise competent  
to make this declaration.

2. I am counsel to the Chapter 7 Trustee in the bankruptcy case of Giga  
Watt, Inc. ("Bankruptcy Case"), pending as Case No. 18-03197 in the U.S.

EGAN DECLARATION IN SUPPORT  
OF CHAPTER 7 TRUSTEE'S STATUS  
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1 Bankruptcy Court for the Eastern District of Washington (the “Bankruptcy  
2 Court”). I submit this declaration in support of the Chapter 7 Trustee’s Status  
3 Conference Statement, ECF No. 40, filed herewith.

4 3. The statements made herein are based on my personal knowledge and  
5 I would and could testify thereto if called upon to do so.

6 4. A true and correct copy of the letter, dated September 4, 2023, from  
7 my office to counsel for Mr. Dam, is attached to the Response as Exhibit A. I sent  
8 this letter by email to counsel for Mr. Dam and Perkins on September 4, 2023.

9 5. A true and correct copy of excerpts of the Memorandum Opinion and  
10 Order Regarding Stay and Motion for Order to Show Cause (“Automatic Stay  
11 Order”), dated September 27, 2021, filed in the Bankruptcy Case, ECF No. 921, is  
12 attached to the Trustee’s Statement as Exhibit B.

13 6. A true and correct copy of excerpts of the Order Denying Mr. Dam’s  
14 Motion to Dismiss and Granting Trustee’s Motion for Preliminary Injunction,  
15 dated February 23, 2022 (“Preliminary Injunction Order”), filed in the Bankruptcy  
16 Case, adversary proceeding, *Waldron v. Dam*, Adv. Proc. No. 21-80053, ECF No.  
17 38, is attached to the Trustee’s Statement as Exhibit C.

18 7. A true and correct copy of the Order Granting Motion to Consolidate  
19 Appeals, dated April 19, 2022, filed in the appeal pending in this Court, *Dam v.*  
20 *Waldron*, Case No. 2:21-cv-00291-SAB, ECF No. 19, is attached to the Trustee’s  
21 Statement as Exhibit D.

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23 EGAN DECLARATION IN SUPPORT  
24 OF CHAPTER 7 TRUSTEE’S STATUS  
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Exhibit 2

1           8.     A true and correct copy of excerpts of Perkins' and Ness' Opposition  
2 to Trustee's Motion to Amend Complaint, dated October 17, 2022, filed in the  
3 Bankruptcy Case, adversary proceeding, *Waldron v. Perkins Coie LLP, et al.*,  
4 Adv. Proc. No. 20-80031-FPC, ECF No. 120, is attached as to the Trustee's  
5 Statement as Exhibit E.

6           9.     A true and correct copy of excerpts of the Motion to (a) Continue  
7 Stay of Panel Rehearing Pending Settlement, and (b) Restore Limited Jurisdiction  
8 to the Courts Below for the Sole Purpose of Settlement Approval, dated July 6,  
9 2023, filed in the appellate case, *Waldron v. Perkins (In re Giga Watt, Inc.)* in the  
10 U.S. Court of Appeals, Ninth Circuit, Case No. 22-35104, ECF No. 58, is attached  
11 to the Trustee's Statement as Exhibit F.

12          10.    A true and correct copy of excerpts of the Chapter 7 Trustee's  
13 Motion for Order Approving Settlements, dated August 28, 2023, filed in the  
14 Bankruptcy Case, ECF No. 1007, is attached to the Trustee's Statement as Exhibit  
15 G.

16          11.    A true and correct copy of excerpts of the Motion for Indicative  
17 Ruling [F.R.B.P. Rule 8008], dated July 21, 2023, filed in the Bankruptcy Case,  
18 adversary proceeding *Waldron v. Dam*, Adv. Proc. No. 21-80053, ECF Nos. 80  
19 and 81 (the motion was filed twice in the same adversary proceeding), is attached  
20 to the Trustee's Statement as Exhibit H.

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23 EGAN DECLARATION IN SUPPORT  
24 OF CHAPTER 7 TRUSTEE'S STATUS  
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1           12. A true and correct copy of the *Trustee's Objection to Motion for*  
2 *Indicative Ruling [F.R.B.P. Rule 8008]* and cover email, dated July 24, 2023, is  
3 attached to the Trustee's Statement as Exhibit I.

4           13. A true and correct copy of the *Notice of Withdrawal of Motion for*  
5 *Indicative Ruling [ECF Nos. 80-81]*, dated July 24, 2023, filed in the Bankruptcy  
6 Case, adversary proceeding *Waldron v. Dam (In re Giga Watt, Inc.)*, Bankruptcy  
7 Court, Case No. 21-80053, ECF No. 82, is attached to the Trustee's Statement as  
8 Exhibit J.

9           14. I have asked counsel for Mr. Dam and Perkins to send me Word  
10 versions of the two signed versions of their agreement, one dated August 11,  
11 2023, which Perkins' counsel sent to me on August 23, 2023 in pdf form, and the  
12 one filed with this Court dated September 12, 2023, which the Trustee had not  
13 seen before this filing. The Word versions will allow the Trustee to create a  
14 redline instead of having to compare the documents word for word.

15           15. In the very near term, I will file on the Trustee's behalf a motion for  
16 remand in this Court. In the Bankruptcy Court, I will file on the Trustee's behalf a  
17 motion for indicative ruling, a motion for relief from stay, and a motion to modify  
18 the preliminary injunction so that Mr. Dam may seek approval of his settlement  
19 with Perkins without violating the automatic stay and the Bankruptcy Court's  
20 Orders. If this Court remands the consolidated appeals before the Bankruptcy  
21 Court issues its indicative ruling, then I will withdraw the motion for indicative  
22

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1 ruling. If the Bankruptcy Court rules first, then on the Trustee's behalf, I will  
2 submit the indicative ruling to this Court in conjunction with the pending remand  
3 motion.

4 I declare under penalty of perjury that the foregoing is true and correct.

5 Executed this 19<sup>th</sup> day of September 2023 in Seattle, Washington.

6  
7 /s/ Pamela M. Egan  
Pamela M. Egan

8  
9 **CERTIFICATE OF SERVICE**

10 I hereby certify that on September 19, 2023, I electronically filed the  
11 foregoing with the Clerk of the Court using the CM/ECF System, which in turn  
12 automatically generated a Notice of Electronic Filing (NEF) to all parties in the  
13 case who are registered users of the CM/ECF system. The NEF for the foregoing  
14 specifically identifies recipients of electronic notice.

15 Dated this 19<sup>th</sup> day of September, 2023.

16 s/ Pamela M. Egan

17 Pamela M. Egan, WSB No. 54736  
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